

Remarks

Applicant confirms the election to proceed with the prosecution of Group I, claims 1 – 8 without traverse pursuant to a telephone conference with Examiner Gray on December 8, 2004. The non-elected Group II, claims 9-19, are here withdrawn.

The Office Action of December 14, 2004 has been carefully reviewed and this paper is responsive thereto. In the Examiner's action, claim 8 was rejected under 35 U.S.C. §112, ¶2, for indefiniteness. Further, claims 1, 2, and 6 were rejected under 35 U.S.C. §102(b). Finally, claim 3 was objected to under 37 C.F.R. 1.75 as a substantial duplicate of claim 2. With this response, Applicant submits amended claim 8 to more particularly point out and distinctly claim the subject matter of the invention. No new matter is introduced into the application by this amendment.

Claims 1 – 7 remain, and are unchanged in this application. The Applicant believes that the following remarks address the remaining grounds for rejection and objection. Other references of record have been noted, but none is believed to be pertinent to the Applicant's invention as now claimed. In light of these amendments and remarks, the Applicants respectfully request reconsideration of the application, withdrawal of the rejections and allowance of all pending claims.

Claim Rejections Under 35 U.S.C. §112, ¶ 2

The Examiner rejected claim 8 under 35 U.S.C. §112, ¶2, for indefiniteness. In response, Applicant has clarified the claim, by amendment, to more particularly point out and distinctly claim the subject matter of the invention. As a result, Applicant submits that the rejection under 35 U.S.C. §112, ¶2, has been overcome and respectfully requests withdrawal of this ground for

rejection. For this reason, Applicant respectfully requests reconsideration of claim 8, and withdrawal of the §112 rejection.

Rejection Under 35 U.S.C. § 102(b) – Olson

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,538,852 (“Olson”). In reply, Applicant submits the following remarks and asserts that Olsen fails to disclose, teach or suggest the claimed invention.

The present invention, as claimed, is distinct from the disclosure of Olsen in at least two respects. Fundamentally, the wire tie in the present invention, as claimed, has a textured surface. In contrast, Olson does not disclose, teach, or suggest the use of a textured surface on its dual-coated electrical conductor as in the present invention. Further, the textured coating in the present invention is a mixture of two plastic resins. Olson teaches the use two separate, “adjacent” coatings of epoxy resin. (Olson Patent, Col. 1, line 19, and Fig. 1.) Because Olson does not teach at least these two features, it cannot anticipate the present invention.

Rejection Under 35 U.S.C. § 102(b) – Hiraoka

Claims 1, 6, and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,906,139 (“Hiraoka”). In reply, Applicant submits the following remarks and assert that Hiraoka fails to disclose, teach or suggest the claimed invention. The Applicant’s arguments with regard to Hiraoka are the same as those for Olsen.

The present invention, as claimed, is distinct from the disclosure of Hiraoka in at least two respects. Fundamentally, the wire tie in the present invention, as claimed, has a textured surface. In contrast, Hiraoka does not disclose, teach, or suggest the use of a textured surface on its insulated wire as in the present invention. Further, the textured coating in the present invention is a mixture of two plastic resins. Hiraoka teaches the use of a “dual coated wire.”

(Hiraoka Patent, Col. 2, line 15, and Fig. 1.) Because Hiraoka does not teach at least these two features, it cannot anticipate the present invention.

Rejection Under 35 U.S.C. § 102(b) – McCarthy

Claims 1, 6, and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,330,956 (“McCarthy”). In reply, Applicant submits the following remarks and assert that McCarthy fails to disclose, teach or suggest the claimed invention. The Applicant’s arguments with regard to McCarthy are the same as those for Olsen and Hiraoka.

The present invention, as claimed, is distinct from the disclosure of McCarthy in at least two respects. Fundamentally, the wire tie in the present invention, as claimed, has a textured surface. In contrast, McCarthy does not disclose, teach, or suggest the use of a textured surface on its dual-coated trolling line as in the present invention. Importantly, McCarthy teaches the use of “low-friction, lubricating layer,” (McCarthy Patent, Col. 2, lines 31 – 32), as the outer surface of its dual-coated trolling line in direct contrast to the present invention. Further, the textured coating in the present invention is a mixture of two plastic resins. McCarthy teaches the use of a “combined dual-layer coating.” (McCarthy Patent, Col. 2, lines 27 – 28, and Fig. 1.) Because McCarthy does not teach at least these two features, it cannot anticipate the present invention.

Claim Objection Under 37 C.F.R. 1.75

The Examiner has objected to claim 3 under 37 C.F.R. 1.75 as a substantial duplicate of claim 2. Respectfully, the Applicant submits that claim 3 is, in fact, narrower in scope than claim 2, and therefore not a substantial duplicate thereof. Specifically, claim 3 specifies at least one characteristic of the second resin – a limitation that is absent from claim 2. As such, claim 3 is not a substantial duplicate of claim 2.

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In view of the above, reconsideration and allowance of the pending claims are respectfully requested.

Conclusion

Applicant has addressed all rejections and objections and respectfully submits that the instant application is in condition for allowance.

Respectfully submitted,

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